

MINUTES
FORT MYERS BEACH
Code Enforcement
Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Wednesday, January 28, 2015

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Code Enforcement Officer for Fort Myers Beach: Ms. Molly Jacobs

Mr. Madden swore in those providing testimony.

CASES TO BE HEARD:

PROPERTY OWNER:	Ganim Properties LLC
BUSINESS OWNER:	Carl Flickinger (Carl's on the Beach)
SUBJECT:	Structure erected and electrical work done without a permit LDC Sections: Sec. 6-441 Permit Required
LOCATION:	1240 Estero Blvd
STRAP NO.:	19-46-24-W4-0140A-0010
CODE OFFICER:	Molly Jacobs
REFERENCE NO.:	CE14-0417

Ms. Jacobs reviewed violations and history of the case. Ms. Jacobs requested that the owner have 15 calendar days to remove the structure or obtain permits and the Town would waive the cost of prosecution; otherwise, \$250/day every day the structure is not removed. Mr. Madden questioned obtaining permits. Mr. Ken Miller, Building Safety Services Coordinator, stated that the structure was in a velocity zone and not attached to the building. He indicated a permit still had to be obtained.

Mr. Flickinger shared photographs of the building with Mr. Madden. He stated the structure was temporary and removable. He indicated he did not agree with the definition of development as it related to his structure. He believed it was decoration for his patio and there was no structural integrity.

Mr. Madden found that the structure was development under the code and gave Mr. Flickinger 30 days to work things out with the Town or pay \$250/day every day thereafter as a fine and to consult with the Town of Fort Myers Beach specialist within the next 15 days. Plans will be submitted within 30 days and fully permitted within 60 days or the structure removed. The cost of prosecution shall be waived.

Mr. Ganim responded that he was not in favor of Mr. Flickinger's structure and he would ask him to remove it.

PROPERTY OWNER: Carlo Penaranda
SUBJECT: Work without a permit
LDC Sections: Sec. 6-111 Adoption; amendments
LOCATION: 2651 ESTERO BLVD
STRAP NO.: 19-46-24-W3-0020C.0210
CODE OFFICER: Molly Jacobs
REFERENCE NO.: CE14-0334

Ms. Jacobs reviewed violations and history of the case. Ms. Jacobs indicated that the structure was displayed as a multi-unit by the property appraiser, but it was a duplex. Matt Noble, Principal Planner, was sworn in. Mr. Noble stated the Town recognized the structure as a duplex. Ms. Jacobs stated that she cited the respondent when she saw windows boarded up and drywall coming out of the structure. Ms. Jacobs noted she had not spoken to the respondent. Mr. Madden made a finding of fact that violations as alleged by the Town of Fort Myers Beach did exist. The property will be completely demolished with permits or permits to do the work being done will be pulled within 15 workings days or a fine of \$250/day shall be imposed. The cost of prosecution shall be waived.

Vote: _____

Signature: _____

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